

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

X : STIPULATION IN SUPPORT
OF APPLICATION FOR
11TH ORDER OF CONTINUANCE

-v-

JAVIER ENRIQUE DA SILVA ROJAS,

:

Defendant.

18 Mag. 1458

X

The United States of America and the defendant jointly request and agree that the time period from 12/18/2019 to 1/15/2020 be excluded from the computation of the period within which an information or indictment must be filed, pursuant to Title 18, United States Code, Section 3161(b) and (h)(7). The parties submit that there is good cause for an additional exclusion of time because of the unique nature of this case and because the parties are exploring a possible disposition of the case prior to trial. Specifically, the defendant has been charged by Complaint with kidnapping resulting in death in violation of Title 18, United States Code, Section 1201. Given the serious nature of the charges—the defendant would be death eligible under the statute—the Government and the defense are collecting information and analyzing evidence to determine the next steps for the case.

By the following signatures we agree and consent to the exclusion of time noted above:

Defendant's Counsel

12-14-19

Date

Assistant U.S. Attorney

12/13/19

Date

Jason Ser, Esq.

Samuel Adelsberg

Mark S. DeMarco

The defendant states that he/she has been fully advised by counsel of his/her rights guaranteed under (a) of the Sixth Amendment to the Constitution; (b) the Speedy Trial Act of 1974, as set forth in Title 18, United States Code, Sections 3161-74; and (c) the plans and rules of this Court adopted pursuant to that Act. The defendant understands that he/she has a right to be charged by indictment or information, and to have a trial before a judge or jury, within a specified time (excluding certain time periods) under the Constitution and Rules and Laws of the United States identified above. The defendant consents and agrees to the above request.

Defendant

12-14-19

Date

JAVIER ENRIQUE DA SILVA ROJAS

The joint application of the United States of America and the defendant having been heard at a proceeding on the date below, the time period from 12/18/2019 to 1/15/2020 is hereby excluded in computing the time within which an indictment or information must be filed. The Court grants this continuance on the finding that the ends of justice outweigh the interests of the public and the defendant in a speedy trial, for the reasons set forth above. The Court further orders: Counsel in future must give a time frame for resolution.

Dated: 12/18/19

White Plains, New York

SO ORDERED

United States Magistrate Judge
Hon. Lisa Margaret Smith
United States Magistrate Judge
United States District Court
Southern District of New York